

## FINAL STATEMENT OF REASONS

### Section 11-400t.(3)

#### Specific Purpose:

This section is amended to enhance the definition of “Transitional Housing Placement Program (THPP)” to distinguish this housing program for dependent foster/probation youth from those housing programs for emancipated foster/probation young adults. Also, handbook language that is now obsolete is removed.

#### Factual Basis:

The amendment to this section is necessary to differentiate between the two types of programs for youths and to comply with Welfare and Institutions Code Section 16522.

#### **Final Modification:**

**Section 30-400t.(3) is amended to include the acronym “THPP” which is used throughout the regulations to describe the Transitional Housing Placement Program.**

### Section 11-400t.(4)

#### Specific Purpose:

This section is adopted to establish the definition of “Transitional Housing Program–Plus (THP-Plus)” to distinguish this housing program for emancipated foster/probation young adults from THPP a housing program for dependent foster/probation youth.

#### Factual Basis:

This section is necessary to differentiate between the two types of programs for youths and to comply with Welfare and Institutions Code Section 16522 and Health and Safety Code Section 1559.110.

### Sections 11-410.1 et seq.

#### Specific Purpose:

This section is amended to clarify the THPP rate setting methodology.

Factual Basis:

This section is necessary to implement the provisions of and to make specific Welfare and Institutions Code Section 11403.3(a)(1).

**Final Modification:**

**Section 11-410.1 is amended grammatically to remove an unnecessary period in the term “et seq.” and to correctly spell out “per cent” in Section 11-410.11.**

Sections 11-410.2 et seq.

Specific Purpose:

These sections are adopted to establish the THP-Plus rate setting methodology.

Factual Basis:

These sections are necessary to implement and make specific Welfare and Institutions Code Section 11403.3(a)(2).

**Final Modification:**

**Section 11-410.2 is amended to correctly spell out “per cent.”**

Sections 11-410.3 and .31

Specific Purpose:

These sections are adopted to establish a special definitions section specific to this chapter and the definition of “tenant.”

Factual Basis:

These sections are necessary to clarify the term "tenant" as used in the context of the regulations.

Section 11-410.32

Specific Purpose:

This section is adopted to establish the definition of "Transitional Housing Placement Program (THPP) participant."

Factual Basis:

This section is necessary to clarify the term "participant" as used in the context of the regulations.

Section 11-410.33

Specific Purpose:

This section is adopted to establish the definition of "Transitional Housing Placement Program unit."

Factual Basis:

This section is necessary to clarify the term "unit" as used in the context of the regulations.

Sections 30-002 et seq.

Specific Purpose:

This section is amended and adopted to clarify terms not sufficiently defined in existing regulations that are a prerequisite for interpretation of the proposed regulations in these sections.

Factual Basis:

Defining terms to be used in the administration of the programs will ensure that the regulations are evenly and consistently applied to the regulated community. This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706.6, 727.2, 727.3, 10609.4, 16501, and 16501.5.

Chapter 30-500 (title) and Sections 30-501 (title) and .1

Specific Purpose:

These adoptions establish the chapter and section titles and the purpose of the Independent Living Program (ILP) and describe the program intent.

Factual Basis:

This chapter and sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706.6, 727.2, 727.3, 10609.4, 16501, and 16501.5.

## Section 30-501.2

### Specific Purpose:

This section is adopted to comply with federal legislation that ILP funds are utilized only for the purposes specific to this program.

### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

## Section 30-501.3

### Specific Purpose:

This section is adopted to comply with federal legislation that states ILP funds are not to be used to replace any other funds, which are available for the same purpose.

### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

## Section 30-502 (title) et seq.

### Specific Purpose:

This section is adopted to clarify terms not sufficiently defined in existing regulations that are a prerequisite for interpretation of the proposed regulations in these sections.

### Factual Basis:

Defining terms to be used in the administration of the programs are necessary to ensure that the regulations are evenly and consistently applied to the regulated community. This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706.6, 727.2, 727.3, 10609.4, 16501, and 16501.5.

### **Final Modification:**

**Section 30-502(f)(1) is amended grammatically to remove an unnecessary quotation mark.**

Sections 30-503 (title) and .1

Specific Purpose:

The section title and Section 30-503.1 are adopted to establish the requirement that counties must provide necessary data and reports.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706.6, 727.2, 727.3, 10609.4, 16501, and 16501.5.

**Final Modification:**

**Section 30-503.1 is amended to include the revision date after the SOC 405A.**

Section 30-504 (title) and .1

Specific Purpose:

This section title and Section 30-504.1 are adopted to establish the requirements that counties provide eligible youth Independent Living Program (ILP) services based upon the current Transitional Independent Living Plan (TILP).

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706.6, 727.2, 727.3, 10609.4, 16501, and 16501.5.

Section 30-505 (title) and .1 through .111

Specific Purpose:

This section is adopted to specify eligibility standards for participation in the ILP. Also, Handbook is provided, in part, to cite pertinent language in Welfare and Institutions Code Section 16501(c).

Factual Basis:

This section is necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Section 16501(c).

### Section 30-506 (title) and .1

#### Specific Purpose:

This section title and Section 30-506.1 are adopted to establish the requirement that counties shall adhere to all reporting requirements.

#### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Sections 11215, 16500.1, 16500.5, 16501, and 16502.1.

#### **Final Modification:**

**Section 30-506.1 is amended to include the revision date after the SOC 405A and to correct the term Independent Living Plan to Independent Living Program.**

### Section 30-506.2

#### Specific Purpose:

This section is adopted to establish the requirement that the "county of jurisdiction" shall be responsible financially for provision of ILP services for eligible foster/probation youth.

#### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

### Section 30-506.3

#### Specific Purpose:

This section is adopted to establish the requirement that the county of an emancipated youth's last jurisdiction shall be financially responsible for provision of the ILP.

#### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

### Section 30-506.4

#### Specific Purpose:

This section is adopted to establish the requirement that the county in which the youth resides shall ensure that the eligible youth are given the opportunity to participate in the ILP. This section includes emancipated youth awaiting the last county of jurisdiction to

complete the fiscal and/or administrative process to fund the ILP services the youth is receiving.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

**Final Modification:**

**As a result of testimony received, this section is amended to clarify that the county in which the youth resides must ensure that eligible youth are given the opportunity to participate in all of the county's ILP core services. At the Department's discretion, a grammatical correction has been made to refer to "the" county of jurisdiction and not "their" county of jurisdiction.**

Section 30-506.41

Specific Purpose:

This section is adopted to establish the requirement that for dependent youth or wards placed out of county, the county of the youth's jurisdiction shall collaborate with the county of placement to ensure that eligible youth receive ILP core services, based upon the youth's most recent TILP. Also, these ILP core services shall be initiated at least 10 working days from the date of the most recently completed TILP, or as soon as practically possible, as documented in the TILP.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

**Final Modification:**

**As a result of testimony received, this section is amended to clarify that when the county of jurisdiction changes the placement of an eligible dependent youth or ward to a placement in a different county or otherwise becomes aware that a dependent youth or ward resides in a county other than the county of jurisdiction, the county of jurisdiction shall notify the county of residence within five working days about the youth's new placement and also provide a copy of the youth's completed TILP to the county of residence. After receiving this notice and the completed TILP, the county of residence will initiate ILP core services within five working days or as soon as practically possible.**

#### Section 30-506.42

##### Specific Purpose:

This section is adopted to establish the requirement that the county of residence shall collaborate with the county of last jurisdiction to provide emancipated youth with ILP core services within 10 working days from the date of most recently completed TILP and/or the youth's written request for services, or as soon as practically possible, as documented by the county of residence.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

##### **Final Modification:**

**As a result of public testimony, this section is amended to include the phrase "oral or" along with written requests by youths for ILP core services. The word "the" is also included to specify the date of the most recently completed TILP.**

#### Section 30-506.43

##### Specific Purpose:

This section is adopted to establish the requirement that the county of residence ILP shall, within 72 hours or sooner if needed, provide referral services to emancipated youth who have an immediate, urgent, need for food, shelter or clothing services.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

#### Section 30-506.44

##### Specific Purpose:

This section is adopted to establish the requirement that no core services shall be denied or delayed to an eligible youth because the county of jurisdiction has not completed the fiscal and/or administrative process to fund ILP services.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.



#### Section 30-506.5

##### Specific Purpose:

This section is adopted to require that the county shall provide ILP core services as identified in MPP Section 31-236 to eligible emancipated youth, legally emancipated minors and KinGap youth.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Section 11375(a).

#### Section 30-506.6

##### Specific Purpose:

This section is adopted to require that the county shall collaborate with other public and private agencies to ensure the availability of core services; and to require that counties not duplicate or replace services that are available through other agencies, programs or funding sources.

##### Factual Basis:

These requirements are necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Sections 16500.1 and 16501(c).

##### **Final Modification:**

**As a result of testimony received, this section is amended to ensure that counties develop appropriate memoranda of understanding and other information sharing agreements with other public and private agencies to facilitate the provision of ILP core services. These agreements shall contain assurances that the confidentiality of the youths' information is maintained.**

#### Section 30-506.7

This section is adopted to require that counties shall utilize no more than 30% of their county ILP allocation for room and board for eligible emancipated youth.

##### Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 677.

##### **Final Modification:**

**Section 30-506.7 is amended to correctly spell out "per cent."**

#### Section 30-506.8

##### Specific Purpose:

This section is adopted to comply with federal legislation that requires that counties ensure that they not use any ILP funds for room and board for youth that have not attained 18 years of age.

##### Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 677.

#### Section 30-506.9

##### Specific Purpose:

This section is adopted to require that counties ensure benefits, services, and treatment are fair and equitable to all eligible youth and to require that goals identified in the TILP be supported by the core services. These core services are including but not limited to education, career development, health and safety skills, referrals, daily living skills, financial resources, and housing information.

##### Factual Basis:

These requirements are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 358(b), 366, 706, 727.2, 16500.1, 16501, and 18987.6.

#### Section 30-507 (title) and .1 et seq.

##### Specific Purpose:

This section title and Section 30-507.1 are adopted to establish the requirements for the utilization of the Emancipated Youth Stipend. Welfare and Institutions Code Sections 10609.3(e)(1) and (2) are cited in handbook to assist users of these regulations.

##### Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 10609.3(e)(1).

#### Chapter 30-900 and Section 30-900 (title) and .1

##### Specific Purpose:

This chapter and section are adopted to explain that the foregoing regulations are designed to implement programs directly related to the achievement of goals II, III, IV, and I designated in Section 30-001.21.

Factual Basis:

These regulations are necessary to comply with Welfare and Institutions Code Sections 10609.3, 11403.2, and 16522(a) to achieve the goals designated in Title XX of the Social Security Act by facilitating the transition to adulthood for emancipating foster/probation youth pursuant to Section 30-001.21.

Section 30-901 et seq.

Specific Purpose:

This section is to clarify terms not sufficiently defined in existing regulations that are a prerequisite for interpretation of the proposed regulations in these sections.

Factual Basis:

Defining terms to be used in the administration of the programs ensures that the regulations are evenly and consistently applied to the regulated community. These sections are necessary to comply with Welfare and Institutions Code Sections 366, 706.6, 727.2 and .3, 11403(a)(2), 10609.4, 16501, 16501.5, and 16522 and Health and Safety Code Section 1559.110.

**Final Modification:**

**Section 30-901(r)(1) is amended grammatically to remove an unnecessary quotation mark and Section 30-901(s)(2) is amended to include the revision date after the form STEP 8.**

Section 30-902 (title) and .1

Specific Purpose:

This title and section are adopted to establish the THPP objectives.

Factual Basis:

This section is necessary to establish the foundation of the regulations and to comply with Welfare and Institutions Code Section 16522 and Health and Safety Code Section 1559.110(f).

Section 30-903 (title) and .1

Specific Purpose:

This title and section are adopted to specify eligibility requirements for participation in the THPP.

Factual Basis:

This section is necessary to implement and make specific Welfare and Institutions Code Sections 11403 and 16522(a).

Sections 30-904 (title) and .1 et seq.

Specific Purpose:

This title and sections are adopted to establish the THPP rate setting methodology.

**Final Modification:**

**Section 30-904.11 is amended to correctly spell out “per cent.”**

Factual Basis:

These sections are necessary to implement and make specific Welfare and Institutions Code Section 11403(a)(1).

Section 30-904.2

Specific Purpose:

This section is adopted to specify that a county may pay an agency a rate less than the rate approved by the Department.

Factual Basis:

These sections are necessary to implement and make specific Welfare and Institutions Code Section 11403(a)(1).

Section 30-905 (title) and .1

Specific Purpose:

This title and section are adopted to specify that those transitional housing placement programs for dependent foster/probation children must be licensed by the Department's Community Care Licensing Division.

Factual Basis:

This section is necessary to comply with Health and Safety Code Section 1559.110(a).

Sections 30-906 (title) and .1

Specific Purpose:

This title and section are adopted to establish the county requirements if they plan to certify THPPs and to require that the necessary information to set a rate be provided to the Department.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11410, 16522.1, 16522.2, 16522.5, and 16522.6 and Health and Safety Code Sections 1559.110 and 1559.115.

Sections 30-906.12 et seq.

Specific Purpose:

These sections are adopted to require counties to develop and submit a plan to the Department and establish the county THPP plan requirements. Additionally, Welfare and Institutions Code Section 16522.2 is included in handbook to provide guidance to the counties.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 16522.1, 16522.2, 16522.5, and 16522.6 and Health and Safety Code Sections 1559.110 and 1559.115.

Section 30-906.2

Specific Purpose:

This section is adopted to establish that county THPP plans shall be reviewed by the Department and be approved based upon the criteria set forth in Section 30-906.12 et seq. Counties may then review and certify agency plans upon receipt of the Department's letter of approval.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 16522.1, 16522.2, 16522.5, and 16522.6 and Health and Safety Code Sections 1559.110 and 1559.115.

Sections 30-907(title) and .1 et seq.

Specific Purpose:

This title and section are adopted to make specific the types of housing styles allowable for transitional housing placement program participants.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522(d).

**Final Modification:**

**As a result of testimony received, Section 30-907.12 is amended to clarify that the employees are employees of the provider. The word “provider” was missing from the noticed regulations. Also, Section 30-907.13 is amended to make a grammatical correction to the lead-in.**

Section 30-907.2

Specific Purpose:

This section is adopted to clarify that the three modes described in Sections 30-907.11, .12 and .13 include the "host site family" and "remote site" models as described in the California Code of Regulations (CCR) Title 22, Sections 86001(h)(3) and (r)(1). The descriptions of the "host site" and "remote site" models are provided in handbook for easy reference.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522(d) and for clarification of the models allowed.

Section 30-908 (title) and .1

Specific Purpose:

This title and section are adopted to establish the requirement that county social services agencies or probation departments, as well as county ILP coordinators, must approve placements in the THPP.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.2.

Section 30-908.2

Specific Purpose:

This section is adopted to ensure the child's TILP is reviewed for appropriateness prior to placement in a THPP.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.2.

Section 30-909 (title) and .1

Specific Purpose:

This title and section are adopted to clarify that THPP participants must have TILPs in their case plans that meet the requirements in Section 31-236.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 366.3, 706.6, 16501.1, and 11155.5.

Section 30-910 (title) and 1

Specific Purpose:

This title and section are adopted to establish reporting requirements to enable the Department to monitor the program and to report to the Legislature as requested.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.6.

Section 30-911 (title) and .1

Specific Purpose:

This title and section are adopted to provide guidance to agency's by specifying minimum THPP plan requirements.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Sections 30-911.1(a) and (b)

Specific Purpose:

These sections specify that these standards include assurances that only eligible participants as defined in Section 30-903.1 will be served by the program, assurances of nondiscrimination based on race, gender, sexual orientation, or disability, and assurances that youth who were former wards of the court as described in Welfare and Institutions Code Section 602 and youth receiving psychotropic medications shall be eligible to participate and not automatically excluded due to these factors.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Section 30-911.1(c) et seq.

Specific Purpose:

This section specifies the admission criteria for participants including age, previous placement history, delinquency history, medical problems, history of drug and alcohol abuse, level of education, mental health history, and work experience.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Sections 30-911.1(d), (e), and (f)

Specific Purpose:

These sections specify that assurances by the THPP agency program plan include that each child admitted into the program has an updated TILP, a description of the THPP and how it will assist to ensure that the goals in the TILP are accomplished, and that each participant actively participate in the ILP program.



Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Section 30-911.1(g) et seq.

Specific Purpose:

This section specifies assurances that the THPP agency program plan includes the agency's employment policies and criteria for employment.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Sections 30-911.1(h) et seq., (i), (j), and (m)

Specific Purpose:

These sections specify assurances that the THPP agency program plan includes a plan: 1) for monitoring the placement, evaluating the progress and reporting such to the ILP and to the county agency with jurisdiction; 2) that allows participants the greatest amount of freedom appropriate for their level of functioning to prepare them for self-sufficiency; and 3) that housing is served by public transportation to enable participants reasonable access to schools, employment, medical care, shopping, and appropriate supportive services. These sections also require a 24-hour emergency number be provided to each participant.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Sections 30-911.1(k) and (l)

Specific Purpose:

These sections specify assurances that the THPP agency collaborates with counties, social workers/probation officers, ILP coordinators, Student Aid Commission, Employment Development Department (EDD) One-Stop Career Centers, and other agencies and programs to provide support and services to enable the participants to complete the goals outlined on the TILP and that every participant is registered with an EDD federal Job Training and Partnership Act (JTPA) Regional One-Stop Career Center.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

**Final Modification:**

**As a result of testimony received, both of these sections are amended to include references to the federal Workforce Investment Act (WIA) services and programs.**

Sections 30-911.1(n), (o), and (p)

Specific Purpose:

These sections specify assurances that the THPP agency provides a description of how each participant's progress will be evaluated; a description of efforts that will be made to track participants for at least two years after leaving the program; and a description of efforts that will be made to link participants with mentors.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Section 30-911.1(q) et seq.

Specific Purpose:

This section specifies assurances that the THPP agency program plan includes specific policies regarding participant's education requirements, work expectations, budgeting, savings requirements, lending and borrowing money, unauthorized purchases, personal safety, emergencies, medical problems, disciplinary measures, grounds for termination (including illegal activities and harboring runaways), visitors, dating, curfew, pregnancy, child care, housekeeping, decorating, care of furnishings, use of utilities/telephones, transportation and vehicles, disposition of furnishings when a participant leaves the program, and the incorporation of applicable provisions of Welfare and Institutions Code Section 16522.1.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

**Final Modification:**

**As a result of testimony received, this section is amended to include the incorporation of Welfare and Institutions Code Section 16001.9 and provides the language of the “Personal Rights of Foster Youth” in handbook.**

Section 30-911.1(r)

Specific Purpose:

This section specifies assurances that the THPP agency program plan includes the agency's budget on a form designed by the Department indicating the rate approved by the county that shall be equal to or lower than the rate approved for the county by the Department. The THPP agency plan shall also include administrative salaries and overhead; direct care staff; social worker; social work supervision; administration attributable to the social worker; and youth allowance that includes telephone, rent, food, clothing, transportation costs, miscellaneous expenses, and utilities.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Section 30-911.1(s)

Specific Purpose:

This section specifies assurances that the THPP agency program plan includes that any participant funds retained by the provider on behalf of the participant be deposited in an interest bearing savings account in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation and that the principal and interest be distributed to the participant when he/she leaves the program or earlier if permitted by the THPP guidelines.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16522.1 and Health and Safety Code Sections 1559.110 and 1559.115.

Section 30-912 (title) and .1

Specific Purpose:

This title and section are adopted to establish the THP-Plus program objectives.

Factual Basis:

This section is necessary to establish the foundation of the regulations to comply with Welfare and Institutions Code Section 16522 and Health and Safety Code Section 1559.110(f).

Section 30-913 (title) and .1

Specific Purpose:

This title and section are adopted to specify eligibility requirements for participation in the Transitional Housing Placement-Plus (THP-Plus) program.

Factual Basis:

This section is necessary to implement and make specific Welfare and Institutions Code Section 16522(b) and Health and Safety Code Section 1559.110(c).

**Final Modification:**

**As a result of testimony received, the Department is amending this section to allow former foster/probation youth who reside in a THP-Plus county, but who emancipated from another county, to participate in the THP-Plus program.**

Section 30-913.2

Specific Purpose:

This section is adopted to establish the requirement that young adults cannot participate in THP-Plus for more than a total of 24 non-consecutive months.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11403.2(a)(2).

Sections 30-914 (title) and .1 through .3

Specific Purpose:

This title and sections are adopted to establish the THP-Plus rate setting methodology.

Factual Basis:

These sections are necessary to implement and make specific Welfare and Institutions Code Section 11403(a)(1).

**Final Modification:**

**Section 30-914 (Title) is corrected from “Plan” to “Program” and Section 30-914.1 is amended to correctly spell out “per cent” for clarity.**

Sections 30-915 (title) and .1 through .13

**Specific Purpose:**

This title and sections are adopted to establish the county THPP plan requirements that meet the requirements of Welfare and Institutions Code Sections 16522 through 16522.6.

**Factual Basis:**

These sections are necessary to comply with Welfare and Institutions Code Sections 16522, 16522.1, 16522.2, 16522.5, and 16522.6 and Health and Safety Code Sections 1559.110 and 1559.115.

**Final Modification:**

**Section 30-915.124 is amended to remove the unnecessary phrase “to the Department” for clarity. Section 30-915.13 is amended, as a result of testimony received, to clarify that the STEP/THP-Plus TILP must be reviewed annually and updated by the tenant and county designee or other appropriate individuals as needed to reflect necessary changes.**

Sections 30-916 (title) and .1 through .4

**Specific Purpose:**

This title and sections are adopted to make specific the types of housing styles allowable for THP-Plus program tenants.

**Factual Basis:**

These sections are necessary to comply with Welfare and Institutions Code Sections 1896.6 and 11403.2.

Section 30-916.2

This section is adopted to promote collaboration among public and private stakeholders to enhance the development of services to assist in promoting emancipation success of youth who have aged out of foster/probation care and to complete the goals outlined in their Supportive Transition Emancipation Program/Transitional Housing Program-Plus (STEP/THP-Plus) TILPs.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 1896.6 and 11403.2.

**Final Modification:**

**At the Department's discretion, Section 30-916.2 is amended to include the Work Force Investment Act (WIA) along with other programs providing support and services to enable participants to complete the goals outlined on the STEP THP-Plus TILP. (Also see Section 30-911.1(k) and Section 30-918.11(d).)**

Section 30-917 (title) and .1

Specific Purpose:

This title and section are adopted to establish the requirement that as a condition of participation in THP-Plus is dependent upon a tenant's active development and execution of a transitional independent living plan.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11403.2(2).

Sections 30-918 (title) and .1 et seq.

Specific Purpose:

This title and sections are adopted to implement the requirements of the STEP/THP-Plus TILPs that describe a tenant's current level of functioning and contains the educational/vocational or other goals related to self-sufficiency mutually agreed upon by the tenant and the county designee.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 11403.2(a)(2).

Sections 30-918.11 and .11(a) through (s)

Specific Purpose:

These sections are adopted to implement the activity and service requirements of the STEP/THP-Plus TILPs designed to achieve the following goals: education and completion of application for college, vocational training, or other educational or

employment programs; gainful employment; receipt of information from and registered into an EDD One-Stop Career Center; development of daily living skills; knowledge of preventative health activities (including, but not limited to, smoking, substance abuse, and pregnancy prevention); acquisition of safe affordable housing; development of a mentoring relationship with a responsible adult and personal responsibility skills; receipt of important documents (including, but not limited to, a birth certificate, social security card, ID card or driver's license, proof of citizenship or residency status, and school and medical and immunization records); mental health counseling; a work permit; a bank account; names, phone numbers, and addresses of known relatives; a Medi-Cal card; information regarding and completed applications for other sources of financial support, including, but limited to, SSI, TANF, scholarships and grants; and referral to appropriate county adult social services agencies, as needed.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 11403.2(a)(2).

**Final Modification:**

**As a result of testimony received, Section 30-918.11(d) is amended to specify others providing support and services to enable participants to complete the goals outlined on the TILP. (Also see Section 30-911.1(k).) Also, as a result of testimony received, new Sections 30-918.11(t) and (u) through (u)(4) are adopted because youth may encounter legal problems related to employment, immigration, child support, or consumer matters and could benefit from knowing resources for legal advice. The other provisions added above come from Section 31-236 describing the TILP requirements. Many youth may not participate in the development of a TILP while being dependents and the provisions regarding their records, siblings and family history are still critical pieces of information that should be made available to them. Further, many former foster/probation youth may be eligible for having their juvenile records sealed after they turn 18 years old, but frequently do not know how to take care of this matter. These juvenile records can act as a barrier for former foster/probation youth seeking to turn their lives around and attain gainful employment.**

Section 30-918.2

Specific Purpose:

This section is adopted to require STEP/THP-Plus TILP annual review and updates.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11403.2(a)(2).

**Final Modification:**

**As a result of testimony, Section 30-918.2 is amended clarify that counties shall review and update the STEP/THP TILP at least annually “or as needed to reflect necessary changes.”**

Section 30-919 (title) and .1

Specific Purpose:

This title and section are adopted to establish county reporting requirements to enable the Department to monitor the program and to report to the Legislature as requested.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 11403.2 and 16522.6.

Sections 30-920 (title), .1, and .1(a) and (b)

Specific Purpose:

This title and sections are adopted to provide guidance to agencies by specifying minimum THP-Plus plan requirements which closely follow those outlined in Sections 30-911 for THPPs. This section specifies that these standards ensure that only eligible participants as defined in Section 30-900.13 will be served by the program, and ensures nondiscrimination based on race, gender, sexual orientation, or disability, and ensures that youth who were former wards of the court as described in Welfare and Institutions Code Section 602 and youth receiving psychotropic medications shall be eligible to participate and not automatically excluded due to these factors.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Final Modification:**

**As a result of testimony, Section 30-920.1(b) includes “national origin” to the list of items to which the program shall not discriminate.**



Sections 30-920.1(c), (d), and (e)

Specific Purpose:

These sections are adopted to ensure that the agency, with the assistance of a county designee, assists each tenant to complete the Department-designed STEP/THP-Plus TILP; describes how it will assist tenants to live independently and accomplish the goals described in the STEP/THP-Plus TILP; and that the STEP/THP-Plus TILP is updated at least annually or as needed to reflect necessary changes.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Final Modification:**

**Section 30-920.1(e) is amended to require that the STEP/THP-Plus TILP be reviewed and updated at least annually by the youth, the county designee, and other appropriate individuals as needed to reflect necessary changes.**

Sections 30-920.1(f) and (g)

Specific Purpose:

These sections are adopted to ensure that tenants are allowed the greatest amount of freedom possible to prepare them for self-sufficiency; and that the housing has reasonable transportation to access schools, employment, appropriate supportive services, shopping, and medical care.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Sections 30-920.1 [Adopt new (h) and current (h) and (i) relettered to(i) and (j)]**

Specific Purpose:

These sections are adopted to ensure that criminal record clearances are required of all agency employees and that programs comply with applicable federal, state and local housing laws and fire clearance requirements.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Final Modification:**

**As a result of testimony received, the new language submitted for (j) requires that the THP-Plus agency program plan ensure that “All agencies shall provide employees training and ensure that all agency employees are trained and capable of working with former foster youth. In addition, Current Sections 30-920.1 (h)through (u) are relettered to (i) through (v), respectively.**

**Sections 30-920.1(j), (k), (l), and (m) [relettered to (k) through (n), respectively]**

Specific Purpose:

These sections are adopted to ensure that no more than two tenants share a bedroom, tenants have the right to be free from arbitrary or capricious rules, and the tenant's right to confidentiality and privacy is respected.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Sections 30-920.1(n) and (o) [relettered to (o) and (p)]**

Specific Purpose:

These sections are adopted to ensure that the functions of property management and service provider are not blended and that the roles and responsibilities of each part of the organization clearly delineated. In addition the agency is required to comply with California landlord tenant law (Civil Code Section 1940, et seq.) and or the Transitional Housing Misconduct Act (Health and Safety Code Section 50580 et seq.).

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Section 30-920.1(p) [relettered to (q)]**

**Specific Purpose:**

This section is adopted to ensure that when medical services are needed by tenants, these services shall be provided by a medical professional or an appropriately licensed county clinic or adult day health center. These services may be offered off-site or through a home visit program.

**Factual Basis:**

This section is necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Section 30-920.1(q) [relettered to (r)]**

**Specific Purpose:**

This section is adopted to ensure that tenants be given the opportunity to choose regarding which services to access and the location of the services, as long as the goals of the STEP/THP-Plus TILP are being met.

**Factual Basis:**

This section is necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

**Section 30-920.1(r) [relettered to (s)]**

**Specific Purpose:**

This section is adopted to ensure that the THP-Plus program is clearly distinguishable from those that are required to be licensed as an Adult Residential Care facility under Health and Safety Code Section 1502(a)(1) or Health and Safety Code Section 1503.5(a).

**Factual Basis:**

This section is necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

Sections 30-920.1(s) and (t) [relettered to (t) and (u)]

Specific Purpose:

These sections are adopted to ensure that the applicable provisions of Welfare and Institutions Code Section 16522.1 are incorporated and that a description of the tenant application process and selection criteria are included.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Sections 602 and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

Section 30-920.1(u) [relettered to (v)]

Specific Purpose:

This section is adopted to ensure that the THPP plan includes that any participant funds retained by the provider on behalf of the participant be deposited in an interest bearing savings account in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation and that the principal and interest be distributed to the participant when he/she leaves the program or earlier if permitted by the THPP guidelines.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Sections 602 11403.2, and 16522.1 and Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1559.115, and 1580 and Civil Code Sections 1940 et seq.

Section 31-002

Specific Purpose:

This section is amended to clarify terms not sufficiently defined in existing regulations that are a prerequisite for interpretation of the proposed regulations in these sections. Defining terms to be used in the administration of the programs ensures that the regulations are evenly and consistently applied to the regulated community.

Factual Basis:

These definitions are necessary to achieve the goals of the Legislature in facilitating the transition to adulthood for emancipating foster/probation youth. These sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706.6, 727.2, 727.3, 7002, 16501, 16501.5, and 10609.4.

**Final Modification:**

**Section 31-002 is amended to renumber correctly the definitions beginning with the letter “c;” (f)(7) is corrected grammatically to remove an erroneous quotation mark; and (i)(1) reflects the correct language currently in place.**

Section 31-206.37

Specific Purpose:

This section is amended to use terms consistent within the THPP regulations and to correct a cross-reference.

Factual Basis:

This section is necessary for clarity and consistency.

Section 31-236 (title) and (a) and (a)(1) handbook

Specific Purpose:

This title and section are amended to establish the requirement that the social worker develop a written TILP which describes the programs and services for each child age 16 and older based on an assessment of the child’s skills and current level of functioning and activities which will help the child transition from foster care to independent living. In addition, the TILP is required to be reviewed, approved, signed and dated by the social worker/probation officer and the youth every six months. Handbook Section 31-236(a)(1) is included to clarify that the social worker/probation officer is the person responsible for utilizing the test results in the TILP to reflect the needs and goals of the youth.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-236(a)(1) [renumbered to (a)(2)]

Specific Purpose:

This section is adopted to establish the requirement the TILP completion time frames of the TILP for youth who entered foster care after their 16<sup>th</sup> birthday.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-236(a)(2) [renumbered to (a)(3)]

Specific Purpose:

These sections are adopted to establish the requirement that the social worker/probation officer incorporate the TILP into the case plan and court reports as outlined in MPP Section 30-332 and Section 30-334 and Welfare and Institutions Code Sections 366.3 and .4 and .391.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 358(b), 358.1, 366.3, 706.5, 727.2(e)(5), and 727.3, and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-236(a)(3) [renumbered to (a)(4)]

Specific Purpose:

These sections are adopted to establish the option of a county to extend ILP services to youth younger than 16 years of age.

Factual Basis:

These sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-236(a)(4) [renumbered to (a)(5)]

Specific Purpose:

These sections are adopted to establish the requirement that the TILP shall be incorporated into the case plan as specified in MPP Section 31-206.37.

Factual Basis:

These sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Sections 31-236(a)(5) and (a)(5)(A) (Handbook) [renumbered to (a)(6) and (a)(6)(A)]

Specific Purpose:

These sections establish the requirement that the Social worker/probation officer utilize a nationally-recognized assessment tool in developing the TILP. Handbook Section 31-236(a)(6)(A) provides examples of nationally recognized assessment tools.

Factual Basis:

These sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections, 391, and 16501.2(a)(3), and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-236(a)(6) [renumbered to (a)(7)]

Specific Purpose:

These sections are adopted to establish that these rules must be followed to qualify for income exemption regulations of a dependent child if employment is for a purpose of the child's TILP goals pursuant to Welfare and Institutions Code Section 11008.15 and the youth is a participant of an ILP.

Factual Basis:

These sections are necessary to comply with the Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272) and 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 11155.5, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

**Final Modification:**

**Sections 31-236(a)(1) through (6) are renumbered correctly to (a)(2) through (7), respectively because the prior handbook was already numbered (a)(1).**

Section 31-236(b)

Specific Purpose:

This section is adopted to require that the social worker/probation officers update the TILP at least every six months or as requested by the youth in order to document and reflect changes, progress or other needed modifications identified in the TILP.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

**Final Modification:**

**As a result of testimony received, this section is amended to allow for more than one update every six months when requested by the youth but at least one every six months.**

Section 31-236(c)

Specific Purpose:

This section is adopted to ensure that the youth has participated directly in the development of his/her TILP.

Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 672(a) and 42 U.S.C. 677 and the provisions of AB 1979 (Chapter 271, Statutes of 2002).

Section 31-236(d)

Specific Purpose:

This section is adopted to ensure that the TILP is completed, regardless if the youth chooses to cooperate. Documentation shall include the reasons for refusal and the efforts to obtain the youth's cooperation.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

**Final Modification:**

**As a result of testimony received, this section is amended to clarify that “in any instance where the youth refuses services, the social worker/probation officer shall again offer services to the youth at least once every six months.” This requirement is important since youth frequently change their minds about receiving ILP services.**



#### Section 31-236(e)

##### Specific Purpose:

This section is adopted to establish the requirement that the child and others who are essential to the goal completion of the TILP are provided copies of each completed TILP.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, 16501.5, and 18987.6 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(f)

##### Specific Purpose:

This section is adopted to establish the requirement that the TILP document must be consistent statewide and that it has been developed and approved by the State and other stakeholders and that it is to be located on the Child Welfare Services Case Management System (CWS/CMS).

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)

##### Specific Purpose:

These sections are adopted to establish the requirement that the social worker/probation officer of the county of jurisdiction must provide information and assistance to the child regarding the ILP.

##### Factual Basis:

These sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(1)

##### Specific Purpose:

This section is adopted to establish the requirement that the if ILP services have been identified as appropriate for the child, that participation in the ILP is included in the TILP.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(2)

##### Specific Purpose:

This requirement is adopted to ensure that children, prior to emancipating from foster care, have been provided with the ILP services as described in their TILP.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677, Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(3)

##### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer shall defer the child from participating in the ILP only if the child's primary physical or health care professional/mental health care professional has determined the child unable to benefit or if the youth declines to participate in the ILP. The reason for the deferral must be documented in the TILP. It also establishes that at least every six months the deferment shall be redetermined and documented in the TILP.

##### Factual Basis:

This requirement is necessary to comply with federal and state codes to ensure that all children eligible for and capable of participating in services will receive services. This requirement will also ensure that the case plan documents the reasons services are not appropriate. These requirements are pursuant to 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(4)

##### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer ensures provision of necessary records, referrals, and documents in order for the child to receive ILP services and to meet the goals for successful transition as described in the TILP.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(5)

##### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer ensures that the child is provided with a means of transportation in order to participate in the ILP.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(6)

##### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer ensures that the child has access to the ILP core services.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(g)(7)

##### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer must ensure that participation in the ILP is not used as a punishment or as a reward.

##### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

#### Section 31-236(h)

##### Specific Purpose:

This section is adopted to require that the social worker/probation officers collaborate with various public and private agencies and persons in order to assist the youth to complete the emancipation preparation goals of the TILP.

##### Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 358(b), 366, 706, 727.2, 16500.1, 16501, and 18987.6.

##### **Final Modification:**

**As a result of testimony received, this section is amended as suggested to include Workforce Investment Act (WIA) programs and services to the list of those collaborators assisting youth to achieve the emancipation preparation goals described in the TILP.**

#### Sections 31-236(i) and (i)(1) through (12)

##### Specific Purpose:

These sections are adopted to require that the services described in the TILP are assisting with the fulfillment of emancipation preparation goals.

##### Factual Basis:

These sections are necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

### **Final Modification:**

**As a result of testimony received, Section 31-236(i)(4)(D) is amended as suggested to include “preparation” to alert the caseworker that if there is not an application already on file, he or she needs to assist the youth in preparing an Special Immigrant Juvenile Status (SIJ) form application. Also new Section 31-236(i)(4)(P) is adopted, as a result of testimony received, to ensure youths know how to seek information and assistance for completing applications to seal Juvenile Court records pursuant to Welfare and Institutions Code Section 781. Finally, as a result of testimony received, Section 31-236(i)(8) is amended to include the Workforce Investment Act programs and services to the list of employment and training services that assist the youth in securing gainful employment.**

#### **Section 31-236(j)**

##### **Specific Purpose:**

This section is adopted to require that certain documentation needed to enroll in school, to obtain employment, etc. is to be provided to the youth prior to discharge.

##### **Factual Basis:**

This section is necessary to comply with Welfare and Institutions Code Section 391 and 42 U.S.C. 677 and 672.

#### **Section 31-236(k)**

##### **Specific Purpose:**

This section is adopted to require that the social worker/probation officer ensures that funds withdrawn from the youth’s emancipation account be expended for purposes directly related to the goal of emancipation to allow the youth to be more prepared financially for emancipation.

##### **Factual Basis:**

The requirement is necessary to comply with 42 U.S.C. 672(a) and Welfare and Institutions Code Section 11155.5 and AB 1261 (Chapter 686, Statutes of 2001).

#### **Section 31-236(l)**

##### **Specific Purpose:**

This section is adopted to ensure that youth emancipation funds are tracked by the social worker/probation officer.

Factual Basis:

This requirement is necessary to comply with Welfare and Institutions Code Section 11155.5 and 42 U.S.C. 672(a) and the provisions of AB 1979 (Chapter 271, Statutes of 2002).

Sections 31-236(m) and (m)(1) (Handbook)

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer give consideration to the THPP as a type of placement setting for the child. Handbook Section 31-236.31 provides Welfare and Institutions Code Section 16522(a), in part for ease of use by the users of these regulations.

Factual Basis:

This requirement is necessary to comply with Welfare and Institutions Code Sections 11403.2(a)(1), 11402(g), and 16522, et seq.

Sections 31-525 (title) and .1 through .17

Specific Purpose:

This section title is amended to reflect the correct title of the ILP. The language of this section is repealed since it is now obsolete and replaced by the new requirements that follow.

Factual Basis:

The amendment to the section title and the repeal of the obsolete language is necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Section 16501.

Section 31-525.1

Specific Purpose:

This section is adopted to establish the requirement that counties develop and implement the ILP to provide program services and activities to assist eligible youth to live independently.

Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Section 16501.

### Section 31-525.2

#### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer must determine ILP eligibility. Eligibility shall be completed concurrently with the initial TILP and reevaluated with each TILP update.

#### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, and 16501(a)(3)(c), and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

### Section 31-525.3

#### Specific Purpose:

This section is adopted to establish the criteria for eligibility for ILP services.

#### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 10609.3(d), 16501, and 16501.5 and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

### Section 31-525.31

#### Specific Purpose:

This section is adopted to establish the criteria for eligibility for ILP services.

#### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366 et seq., 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

### Section 31-525.32

#### Specific Purpose:

This section is adopted to establish the criteria for eligibility for ILP services for Kinship Guardian Assistant Payment Program (KinGap) recipients.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11375(a).

Section 31-525.33

Specific Purpose:

This section is adopted to allow counties the option of providing an ILP for youth younger than age 16 if the youth's county of residence has a county plan for an ILP for younger youth. This section also establishes that if the youth's county of residence offers an ILP for younger youth, but youth's county of jurisdiction is not also the county of residence then participation in the ILP for youth younger than 16 years of age shall only be with prior approval of that youth's county of jurisdiction.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 677.

Section 31-525.4

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer shall defer the child from participating in the ILP only if the child's primary care physical or health /mental health care professional has determined the child unable to benefit or if the youth declines to participate in the ILP. The reason for the deferral must be documented in the TILP. It also establishes that at least every six months the deferment shall be redetermined and documented in the TILP.

Factual Basis:

This requirement is necessary to comply with federal and state codes to ensure that all children eligible for and capable of participating in services will receive services. This requirement will also ensure that the case plan documents the reasons services are not appropriate. These requirements are pursuant to 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Sections 31-525.5 and .51 (Handbook)

Specific Purpose:

This section is adopted to establish the requirement that eligibility shall be determined by the county and not by outside agencies, such as contractors and vendors. Handbook



Section 31-525.51 is included to provide users the language of Welfare and Institutions Code Section 16501(c).

Factual Basis:

Section 31-525.5 is necessary to comply with 42 U.S.C. 672 and Welfare and Institutions Code Section 16501(a)(3)(c), and to clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.6

Specific Purpose:

This section is adopted to establish the requirements that social workers/probation officers shall ensure are completed in order to achieve the goals of the TILP and for successful transitions for emancipating youth.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.61

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer must provide information and assistance to the child regarding the ILP.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.62

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer ensure that participation in the ILP is not used as a punishment or as a reward.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.63

Specific Purpose:

This section is adopted to establish the requirement that the TILP document is to be consistent statewide and that it has been developed and approved by the State and other stakeholders and that it is to be located on the Child Welfare Services/Case Management System.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.64

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer ensures that the child has access to the ILP core services as described in MPP Section 31-525.8.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.65

Specific Purpose:

This section is adopted to require that the social worker/probation officers collaborate with various public and private agencies and persons in order to assist the youth to complete the emancipation preparation goals of the TILP.

Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 706, 727.2, 16500.1, 16501, and 18987.6.

**Final Modification:**

**As a result of testimony received, this section is amended to specify that county social workers and or probation officers must collaborate with the youth, ILP Coordinators, and with care providers, and other service providers to ensure the development and implementation of the TILP goals, services and activities, and to encourage that the collaboration includes the providers meeting with the youth to develop or update the TILP, as needed.**

Section 31-525.66

Specific Purpose:

This requirement is necessary in order to ensure that children, prior to emancipating from foster care, have been provided with the ILP services as described in their TILP.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.67

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer defers the child from participating in the ILP only if the child's primary care physical or health/mental health care professional has determined the child unable to benefit or if the youth declines to participate in the ILP. The reason for the deferral must be documented in the TILP. It also establishes that at least every six months the deferment shall be redetermined and documented in the TILP.

Factual Basis:

This requirement is necessary to comply with federal and state codes to ensure that all children eligible for and capable of participating in services will receive services. This requirement will also ensure that the case plan documents the reasons services are not appropriate and are pursuant to 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, and 706.6.

## Section 31-525.68

### Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer shall ensure provision of necessary records, referrals and documents in order for the child to received ILP services and to meet the goals for successful transition as described in the TILP

### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

### **Final Modification:**

**This section is amended to correct grammatically the verb tense from “meet” to “met.”**

## Sections 31-525.7 and .71

### Specific Purpose:

These sections are adopted to establish that ILP coordinators shall ensure all requirements are completed in order to achieve the goals of the TILP and for successful transitions for emancipating youth.

### Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

## Section 31-525.72

### Specific Purpose:

This section is adopted to require that the ILP Coordinators shall collaborate with various public and private agencies and persons in order to assist the youth to complete the emancipation preparation goals of the TILP.

### Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 358(b), 366, 706, 727.2, 16500.1, 16501, and 18987.6.

**Final Modification:**

**This section is amended to grammatically correct the lead-in.**

Section 31-525.73

Specific Purpose:

This section is adopted to establish the requirement that the social worker/probation officer shall ensure that participation in the ILP is not used as a punishment or as a reward.

Factual Basis:

This section is necessary to comply with 42 U.S.C. 675 and 677 and Welfare and Institutions Code Sections 366, 391, 706.6, 727.2, 727.3, 16501, and 16501.5 and clarify the provisions implemented by AB 1979 (Chapter 271, Statutes of 2002).

Section 31-525.74

Specific Purpose:

This section is adopted to require that counties shall not duplicate or replace services that are available through other agencies, programs or funding sources.

Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 677 and Welfare and Institutions Code Sections 16500.1 and 16501(3)(c).

Section 31-525.75

Specific Purpose:

This section is adopted to establish the requirement that the Independent Living Coordinator shall recruit and offer ILP services to eligible emancipated youth, legally emancipated minors and KinGap.

Factual Basis:

This requirement is necessary to comply with 42 U.S.C 677 and Welfare and Institutions Code Sections 16501 and 16501.1.

## Section 31-525.76

### Specific Purpose:

This section is adopted to require that counties ensure that all benefits, services, and treatment are fair and equitable to all eligible youth.

### Factual Basis:

This requirement is necessary to comply with 42 U.S.C. 677.

## Sections 31-525.77 and .771, et seq. (Handbook)

### Specific Purpose:

This section is adopted to establish the requirements for the utilization of the Emancipated Youth Stipend. Handbook Section 31-525.761 is provided to allow users of these regulations to easily view Welfare and Institutions Code Section 10609.3(e)(1) that describes the Emancipated Youth Stipend and its purpose.

### Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 10609.3(e)(1).

## Sections 31-525.8 through .87

### Specific Purpose:

These sections are adopted to require that goals identified in the TILP be supported by the core services. These core services include, but not limited to, education, career development, health and safety skills, referrals, daily living skills, financial resources, and housing information.

### Factual Basis:

These requirements are necessary to comply with 42 U.S.C. 675, 677 and Welfare and Institutions Code Sections 358(b), 366, 706, 727.2, 16500.1, 16501, and 18987.6.

### b) Identification of Documents Upon Which Department Is Relying

- Assembly Bill 427, Chapter 125, Statutes of 2001
- Assembly Bill 1979, Chapter 271, Statutes of 2002
- Assembly Bill 1119, Chapter 639, Statutes of 2002

- Foster Care Independence Act of 1999 (H. R. 3443)

c) Testimony and Response

There was oral testimony presented at the December 17, 2003, public hearing in Sacramento by Theresa Thurmond, Coordinator of the Independent Living Program for Sacramento County, Carolina Elena Flores, an ILP social worker in Sacramento County, and Anne Hjulmand an ILP social worker in Sacramento County. There was written testimony received from Darryl L. Hamm, Senior Attorney for The National Center on Youth Law (NCYL); Debra L. Back, Staff Attorney of the University of San Diego's School of Law Children's Advocacy Institute; and Los Angeles County's Department of Children and Family Services as a result of the December 17, 2003, public hearing. Also, Ellen Joyce, Executive Director, of Support Parents and Children (SPAC); Redwood Children's Services THPP (RCS/THPP) and Aliese Jenkins, Independent Living Services Program (ILSP) social worker for Mendocino County submitted comments for CCL regulations (ORD #1002-24) that were a part of the November 12, 2003 public hearing and are being forwarded to the appropriate office for action. The testifiers general and specific comments and the Department's responses follow:

General Comment:

Theresa Thurmond the coordinator of the Sacramento County Independent Living Program wanted to point out that, "when I look at these regulations, there's a lot of questions that I have, and I know that, you know like when you're in a classroom, and or when you're in a public setting, and you're being trained that a lot of times I'm not afraid to ask a question because I know that there's probably at least one other person out there that has the same question, so I don't know that from talking to other coordinators there's a lot, still a lot of questions. There's a lot of vagueness about some of these areas in here, and so I'm urging that we as coordinators receive some type of training. And I know that, you know, with the budget cuts that are, that have or that are planned throughout the state that that may be something that would be difficult and that's evident that here this morning that we don't have very many people here and I'm sure that that might be because of the, you know, the travel cost. In any case, I'm just urging that we as coordinators receive some training on these ILP regs (sic) so that we, in turn, can train our departments or our counties because I am providing an interpretation of the, when I'm asked questions about these regulations when I give it to my, my managers as well."

Response:

**The Department will provide counties with technical assistance on the newly adopted regulations via e-mail, phone and training to be provided to ILP Coordinators at the monthly CWDA ILP subcommittee meetings as well as during the upcoming ILP Summit. The Department is also developing a Question and Answer document for distribution.**

General Comment:

Carolina Elena Flores, an ILP social worker in Sacramento County testified that, “whatever I say should not reflect on my agency, but merely as my own professional individual interest. And in the ILP, something that we had discussed as social workers and we had a fear that standardization of ILP rates and incentives for the youth might mean that some counties may not be able to pay their high school graduation rate or the incentive for attending ILP classes meaning that we may have to drop what we're already providing. We provide \$200 here in Sacramento. In another area, they may not provide anything at all, and the standardization would mean the severely dropping or debilitating of the incentive, while offering to the youth than it would really take away the bite that we have to have them to become educated, to get incentives, concrete financial incentives, for getting the education that they need to learn to live independently. So that fear of the standardization meaning that we would be severely curtailed in the incentives for our ILP classes or graduation is something that is really a concrete concern and we want to make sure that DSS guards against there being either a debilitating amount or that there be a cutting of giving any kind of incentives, either for just a high school graduation or the ILP workshops.

“We're also concerned that, I was concerned about it enough that we needed to know the profile of our client base. The profile of youth that we are serving. Not so much the information of the annual report that we are submitting, but it would help me if I knew the profile of the youth that I'm serving. The ethnicity. The gender. The age. The single, are they parents? How many children do they have? These are very important factors that are needed in order to make sure that I'm attending to the youth needs. I have dependents that I have that are two, have two children, perhaps going on their third child, or emancipated going on their third child. And certainly my role as social worker is strengthening them and making them successful in the community is contingent on my taking in the factors that they need child care in order to work. They need child care in order to get an education and they're going to need a lot of help, more than a single youth, in order for them to be able to complete their GED or high school diploma. And that is almost paramount for them to be successful in the adult world.

“In time of declining resources, and we are aware the time is coming where workers will be laid off. We're aware where there's going to be appocity (sic), a lack of resources for me to be a successful social worker, and in light of that, we are expected to follow the TILP rules. The important thing for DSS to keep in mind is that our county is pushing the strength-based policy in providing social services, now. It is like the whole new wave, and yet there is no strength-based policy that is being shown or mentioned in the ILP regulations and the problem with that is that it appears that we going with the old medical model. We are making the, it appears that we are making the youth dependence [sic] under the TILP. Although we are using it as an instrument, if you only use it in the policy for ILP requisites, I've only mentioned the TILP, then you are totally ignoring the push now in social work for strength-based policy. So I would recommend in the, one of the forms here that we put that, that we follow, as social workers we follow the TILP.



Inclusive of the TILP, the social worker should assess the youth and, on mutual agreement with youth, to arrive at a strength-based plan of which ILP services will be provided. Then that would be the best thing that we could do for the youth. We need to be all inclusive. We need to revise and assess the TILP as it comes. Our supervisor suggested that yesterday, that we could do that to the TILP to the worker that gives us a TILP. But still the ILP, the ILP requisites do not even recognize that we are trying to empower the youth and perhaps including them in the assessment, of having strength-based model and bringing it more current with the youth. I understand the whole purpose of ILP is to empower the youth, but we need to include the change in social work policy that has occurred here in Sacramento County. Otherwise, it would defeat the purpose of carrying out these ILP regs.”

Response:

**CDSS is dependent on counties to provide the demographic data via the SOC 405A. That document contains the data related to the profile of youth who are receiving ILP services.**

**The Transitional Independent Living Plan (TILP) is a document that identifies a youth’s strengths and weaknesses and most importantly it provides the youth with an individualized plan for emancipating from foster care. The TILP can be revised with the youth, social worker/probation officer, as well as foster parents. The regulations do not prohibit the utilization of the strengths based practice of social work, but, in fact serve to encourage such practice.**

General Comment:

Anne Hjulmand, an ILP social worker in Sacramento County commented that, “I work in the Independent Living Program. So I'm coming from a prospective of a social worker with this, these state standards and a couple of things I wanted to mention was that number one, in regards to the standardization. I'm concerned that that's going to lead to a deletion of services for our youth. When you start standardizing everything, I, you know, I know the purpose of that to, you know, try to ensure that everybody gets the same services, but yet at the same time, you know, that's a two edge sword, and it can, it can do the opposite to youth. Delete services from youth. Especially counties that, that don't, the smaller counties that don't have the funding that, like let's say Sacramento County, has. Sacramento County can offer youth more, more incentives, where smaller counties can't, and if we start standardizing everything then it's, it's going to put counties in a bind, as far as counties, such as Sacramento County, not being able to provide as many incentives or resources to kids because they have to follow a standard and if, if the baseline is going to be the smaller counties so that they can, you know, follow suit and live up to these standards, I don't know exactly, you know, how that would work out, but I think when you, when you stop looking at individuals, as a person, rather than just putting them in this big lump, this big pot, then you start taking away. When you start just kind of melding everybody together, then you stop looking at the individual and what their individual needs are. And that's always been one of the attractions to ILP for me, as

a social worker, is that I'm able to work with my youth on an individual basis and make individual assessments and, you know, of course, there are already some baseline standard needs that I need to provide, but I'm also able to go above and beyond that because I'm able to, to personalize an assessment and I'm afraid that this is going to move us away from that. Especially with the whole realignment of Child Welfare Services coming down. I know the bottom line for that is outcomes and accountability and funding is going to be tied to all of that. You know, I'm really concerned that our jobs as social workers, all front line workers, you know like service workers, everybody that's in direct contact with these youth and administration, managers, we're all going to be tied to the bottom line. The dollar. The outcomes. And, you know, to me that says, that policy is going to drive, policy and procedure is going to drive my job more so than it ever has before. And I think we're really doing a disservice to our youth to put ourselves in that place. And we don't have to do that. I mean I, you know, we can get some innovation and creative minds and just not fall into this whole standard thing and everybody is the same and, and everybody is going to get this, you know, whether they need it or not and, and social workers have to do this, this and this to get a certain outcome so that the counties can get their money. I mean, that's, you know, that's just a big machine-type mentality that, you know, if we look at past history, and how systems like that work and don't work for our clients, I just think we really need to pay attention and take heed because I think our youth are going to suffer for that. And it's going to take some people that really understand what that mentality does as far as driving services and what it means for our youth. So that was my big thing, is that front line workers are still driven by standards. That we don't have the room to move with our clients and see them as individuals.

“Oh, I think another, I don't know if it's appropriate to bring it up here, but where housing for our youth. The transitional housing. Our mental health youth are really not being served in what we're developing as transitional housing right now. And I know this whole, the whole transitional housing is very new in California. And their experience, experience is driving us to be forced to try to move in that direction. But I think it's, it's too slow. We need some mental health professionals in the ILP programs that are experts. ILP worker's need experts that they can consult with ILP social workers. We need more resources for our mentally, kids that are having mental health problems. They are just being channeled into the same services that everybody else is being channeled into and they don't fit our, our youth with mental health issues. And so what's happening is that they're not succeeding along with the services because the services don't fit and so they're falling through the cracks. They're just ending up out on the street with no services. And it's that critical time between, you know, they emancipate and they turn 21 and then there's no services left for these youth. And it's happening where there's, there's just no services after they, they emancipate at 18 or 19. So I'm very, very concerned about that and I know we all are. We need to do something. So, I'm available if anybody in the State wants anymore feedback or wants to talk with me. And I may e-mail you later with more of my concerns.”

Response:

**The regulations provide the framework within which counties provide individual services to eligible youth while ensuring that all youth receive the core ILP services and are written in such a way as to enable social workers/probation officers and ILP Coordinators to provide ongoing, individualized services based on a youth's needs.**

**CDSS continues to encourage counties to collaborate with entities such as the county mental health department to ensure that specialized needs of youth are met.**

General Comment:

Support Parents And Children (SPAC) agrees with other testifiers that the proposed regulations go a long way toward addressing concerns about foster youth maintaining their ILSP services when a county child welfare agency places them outside of their county of jurisdiction, we are concerned that the proposed regulations affecting children placed in and exiting from mental health facilities are not adequately addressed. SPAC is concerned that proposed provisions may violate state and federal disability laws. At the least they disenfranchise a segment of the emancipating youth from viable resources to maintain any reasonable quality of life.

SPAC is particularly concerned with those youth now placed in out-of-state residential facilities, but whose care and control resides with California DSS.

Response:

**The Department's legal staff has determined that the regulations do not conflict with existing state and federal laws affording protection to disabled persons, therefore, there is no violation.**

General Comment:

CAI commented that although they support the continuation of independent living and related housing programs for both emancipated and current foster youth, "these programs must be implemented in a fair and equitable manner in order to comply with federal law. See 42 U.S.C. 677(b)(2)(B)&(E). In consideration of this need, the Legislature passed AB 979 (Chapter 271, Statutes of 2002), which clarified that statewide standards established by DSS via regulation set minimum program requirements, and not merely aspirational (sic) guidelines for counties. 1 DSS has largely fulfilled the purpose of AB 1979 by using mandatory language throughout the proposed regulations, however, some additional clarification and changes are necessary, see numbered comments below. The current system needs accountability and outcome measures to ensure that foster youth are actually receiving the services that federal and state law requires they receive.

1 According to Welfare and Institutions Code section 10609.4, DSS is directed to "develop statewide standards for the implementation and administration of the

Independent Living Program" and to "define the outcomes for the Independent Living Program and the characteristics of foster youth enrolled in the program for data collection purposes. "Subsection (b) calls for an accounting of all federal and state funds used to implement the county programs and a showing that expenditures are related to the specific purposes of the program.

“However, we know from the legislative record of AB 1979 and other reports that there is wide variation in the level and quality of ILP services offered by counties; that at times youth are denied ILP services or their entry is delayed; and access to ILP services is particularly difficult for youth placed out of their home county. On a fundamental level, the premise of the proposed regulations is incorrect. The funding for ILP services must follow the foster youth to the county where they reside in order to be effective. Under the current funding system, the county where court jurisdiction is (or was) established is where the funding for the child is sent. When a child moves or is placed outside that county, the money may or may not find the child, and services may or may not be provided, which raises issues of the State's compliance with the federal Foster Care Independence Act of 1999. Once this funding mechanism is corrected (as DSS has the authority and power to do), true statewide standards will be met, and the outcomes for foster youth will improve dramatically.

“CAI concurs with the comments submitted by both the California Youth Connection and the National Center for Youth Law regarding these regulations, and proposes the following comments and changes to the regulations as drafted here:

(1.) AB 427 (Chapter 125, Statutes of 2001) amended section 1559.110(f) of the Health and Safety Code and section 16522(e) of the Welfare and Institutions Code to read as follows:

The regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger. At a minimum, the regulations shall provide for both of the following:

(A) Require programs that serve youth who are both in and out of the foster care system to have separate rules and program design, as appropriate, for these two groups of youth.

(B) Allow youth who have emancipated from the foster care system to have the greatest amount of freedom possible in order to prepare them for self-sufficiency.”

Response:

**Your comments are appreciated. Assurances that participants will be allowed the greatest amount of freedom possible and appropriate for their level of functioning in order to prepare them for self-sufficiency. Also see responses to comments for Section 30-911.1(i) and Section 30-920.1(f).**

General Comment:

CAI commented that in its Finding of Emergency, the Department states "emergency regulations are mandated in the bill to assure that young people will be provided with these services expeditiously," yet it took DSS 16 months since the passage of AB 1979 to issue these "emergency" regulations. While we recognize that section 10609.4(d) of the Welfare and Institutions Code provides the Department with authority to develop regulations on an emergency basis,[2] it virtually guarantees that no public input or review by the Office of Administrative Law will effect the regulation, leaving foster youth affected by these regulations at a distinct disadvantage. Public input through the normal rulemaking process of the APA can provide the Department with valuable insight and ideas.

[2] *By statute, DSS can utilize the emergency rulemaking procedures of the Administrative Procedure Act (Chapter 3.5, Part I, Division 3, Title 2 of the Government Code, commencing with section 11340) without having to show individual need for emergency rulemaking, as the APA clearly mandates. (See, e.g., Government Code section 11346.1(b) (stating "[a]ny finding of an emergency shall include a description of the specific facts showing the need for immediate action") (emphasis added)). This statutory authority is problematic because it virtually guarantees that no public comment or input will effect the regulation, because of its deemed emergency status, which is contrary to the intent and spirit of the APA. Proposed rulemaking through the normal channels allows greater time and opportunity for public feedback before the rule is approved."*

Response:

**CDSS collaborated with the California Welfare Directors Association's (CWDA's) Independent Living Program (ILP) subcommittee, the California Youth Connection as well as other stakeholders in the process of drafting and implementing these regulations.**

Section 30-503.1

Comment:

CAI comment that new Section 30-503.1 sets forth reporting requirements for county plans, but these requirements do not go far enough to ensure statewide standards and outcome measures. CAI suggests DSS require from counties more information about cross-county issues, for instance, how many youth for which the county received state and federal funding are residing outside of the county; has that county ensured the county of residence received funding for the youth residing in their county; have those payments been timely; what services were missed due to untimely receipt of funds; if services are being provided to all youth for which the county receives state and federal funds based upon their TILP; what services cannot be accessed out of county and what the county of jurisdiction is doing to ensure the youth receive those services; what obstacles exist to

providing services to out of county youth; etc. The county should also be required to assess how many youth did not receive complete services and what actions are being taken to provide those services.

Additionally, in new Section 30-503.1, the Department is requiring counties to confirm that the expenditures "meet federal and state requirements against fraud and abuse." CAI indicated that this requirement is commendable, however, clarification regarding what specific laws the Department is seeking to enforce would provide proper notice to counties and strengthen the section.

Response:

**Many of the concerns posed are asked of counties via the Annual ILP Narrative and Plan in order to meet anticipated federal outcome requirements revising the TILP. The Department has provided the specific authorities and references cited that relate to the specific laws cited in this section.**

Section 30-506

Comment:

Theresa Thurmond coordinator of the Sacramento County Independent Living Program wanted to point out that on page 13, Section 30-506, references Counties' Responsibilities, when it comes to finances. "I wanted to stress to the Department of Social Services that the counties need a billing process in place. I know that the Department has been working on a pilot, I believe five different counties, that have produced a template for us to bill one another and I think that is really important that we get that in place as soon as possible because for years we have been meeting at our ILP Regional Coordinator's meetings and we ask one another, 'How are you doing this?', 'How are you doing?', and it's always the same issues. It's a struggle for us to figure out how we want to bill one another when we feel as though our primary responsibility is to provide the services."

Response:

**Your comments are appreciated. CDSS is aware that this is an on-going complex issue. The regulations promote counties working together to ensure youth receive the core ILP services. Youth shall not be denied services due to inter-county billing issues. The CWDA is working to address this issue. The Department has consistently requested that counties collaborate with each other as well as the CDSS Fiscal Systems Division to develop and implement county to county billing processes.**

#### Section 30-506.4

##### Comment:

NCYL provided amended language for this section as follows:

“The county in which the youth resides shall ensure that eligible youth are given the opportunity to participate in all of its ILP core services regardless of whether the youth is residing in their county of jurisdiction. This also applies to emancipated youth who are awaiting the county of last jurisdiction to complete the fiscal and/or administrative process to fund the ILP services that they are receiving.”

NCYL provided the following rationale: “This minor revision provides clarity and emphasis that the county in which the youth resides will offer its ILP core services and removes potential ambiguity about what the county is offering.”

##### Response:

**The Department agrees with the comment and is including the suggested language.**

#### Section 30-506.41

##### Comment:

NCYL provided amended language for this section as follows:

“When the county of jurisdiction changes the placement of an eligible dependent youth or ward to a placement in a different county or otherwise becomes aware that a dependent youth or ward resides in a county other than the county of jurisdiction, the county of jurisdiction must notify the county of residence within 5 working days about the youth’s new placement and provide a copy of the youth’s completed TILP to the county of residence. After receiving this notice and the completed TILP, the county of residence must initiate ILP core services within 5 working days.”

NCYL provided the following rationale:

The provision as currently drafted does not account for fairly typical circumstances of a youth transferring from one county to another. If the county of jurisdiction has done its job, the youth may have had a completed TILP for several months so the trigger date in the current provision of 10 days from the completion of the TILP may not hold much significance. Further, to prevent delay in these circumstances, NCYL believes that the phrase “collaboration between counties” needs to provide counties with some specific timelines and guidance. Without this guidance, NCYL fears that youth may

continue to experience significant delays in their receipt of ILP services. This proposed modification puts structure and accountability in place so that both the county of jurisdiction and the county of residence have clearly defined responsibilities. Further, foster youth have some sense of when they should reasonably expect to renew their ILP services if their placement results in a disruption to their ILP services.

Although we did not include specific language in the proposed modification, we believe the regulations should also provide guidance for counties when an eligible dependent youth arrives in a new county of residence without a completed TILP. Under the proposed modification the county of jurisdiction would have a notice obligation to the county of residence. If the county of jurisdiction confirms that an eligible youth does not have a TILP, the county of jurisdiction will initiate steps either on its own or in collaboration with the county of residence to complete the TILP within 10 to 20 working days.

Also, the regulations do not address the common circumstance of eligible youth residing outside their county of jurisdiction for a number of years, who first become eligible for ILP core services while residing in their county of residence. In this circumstance, NCYL suggests a provision that the county of jurisdiction initiates contact with the county of residence at least 30 days prior to the youth becoming eligible for ILP core services and establishing responsibility for completing the TILP and the timing for initiating ILP core services. The current provision assumes a TILP has already been completed, this proposed addition would add a protection to ensure that the process for completing the TILP is not held up due to a youth residing outside their county of jurisdiction.

Response:

**The Department agrees with the comment in the first paragraph and is including the suggested language. However the phrase “or as soon as practically possible” will remain as noticed. [Also, please see response to CAI’s comments below.]**

**As to NCYL’s discussion in the second and third paragraphs, the Department has determined that “A foster youth's TILP is a required part of the case plan and is therefore included within the general responsibility of the social worker of the county of jurisdiction to initiate and update the case plan.” Therefore, the statutes and regulations governing the case plan apply. This includes Section 31-230.11 which requires that the case plan be updated “as often as the service needs of the child...dictate and as is necessary in order to assure achievement of services objectives.” This section also states that the case plan must be updated “at a minimum...in conjunction with each status review hearing, but no less than every 6 months.” Consequently, no further changes are made in response to the comments in these last two paragraphs.**



#### Section 30-506.41

##### Comment:

CAI commended the Department for using mandatory language in this section and clarifying the duties of counties when a youth resides in a different county than his/her county of jurisdiction. CAI added that “Sections 30-506.41 and .42 contain time requirements for initiation ILP core services within 10 working days of the most recently completed TILP “or as soon as practically possible.” However, this language in quotations must be removed for the regulations to have any true effect; otherwise the counties can always argue that it was not practical and the regulations do little to solve the current problems in cross-county cases.

##### Response:

**The language of this section has been rewritten to clarify the responsibilities of the “county of jurisdiction” and the “county of residence” when the placement of an eligible dependent youth or ward is made to a different county. The regulatory time frames are suggested guidelines that the counties should strive to meet. Counties have a general requirement to treat all eligible youth fairly and equitably, as reflected in Section 30-506.9, including those youth placed outside their county of jurisdiction. There is no explicit statutory time frame for the initiation of ILP core services for either youth located in their counties of jurisdiction, or for youth located outside their county of jurisdiction. Consequently, the phrase “or as soon as practically possible” will remain as noticed.**

#### Section 30-506.42

##### Comment:

NCYL submitted amended language as follows:

“The county of residence shall collaborate with the county of last jurisdiction to provide emancipated youth with ILP core services within 10 working days from the date of the most recently completed TILP and/or the youth’s oral or written request for services, or as soon as practically possible, as documented by the county of residence.”

NCYL submitted the following rationale because there is no way provided in the regulations for the youth to be informed that they need to put this request in writing. Given the difficult circumstances of many emancipated youth, this burden seems unnecessary. It will be easier to train county workers to document that the youth has made an oral request for services than to try to spread the word to former foster youth scattered all over the place about the need to make their request in writing.

[For CAI’s comment to Section 30-506.42, see CAI’s comment and response for Section 30-506.41.]

Response:

**The Department agrees with the comment and is including the suggested language.**

Section 30-506.6

Comment:

NCYL submitted the following suggested language:

“Counties shall collaborate with other public and private agencies to ensure the availability of core services identified in MPP Section 31-525 and shall not duplicate or replace services that are available through other agencies, programs or funding sources. Counties shall develop appropriate memoranda of understanding and other information sharing agreements with other public and private agencies that facilitate the provision of ILP core services.”

NCYL included rationale that it has found that the success of working with other agencies in collaborations is dependent upon specifying the need for good information sharing agreements. These agreements must respect the privacy rights and confidentiality needs of foster youth, but cannot use these issues to impede unduly the need to coordinate services and avoid duplication.

Response:

**The Department agrees with the comment and is including the suggested language.**

Section 30-907.12

Comment:

LADPSS requested clarification of this section.

Response:

**The only clarifications necessary were including the missing term “provider” in the phrase “...adult employees of the...” and correcting the lead-in to Section 30-907.13.**

Section 30-907.2

Comment:

CAI commented that “[n]ew section 30-907.2 references section 86001(h)(3), which defines “host site families.” As CAI argued in its comment on the CCL THPP rulemaking package, where is the statutory authority for the use of host counties (it is not

contained in AB 427 and associated statutes?). And, more importantly, who is responsible for what happens in the host county since there is no county- approved plan? There are two additional operational obstacles to the use of host counties: (1) the system provides a lack of incentive to counties without a THPP plan to implement and fund this valuable and necessary program if they can obtain providers from a neighboring county without the administrative cost and burden; and (2) problems could arise with social workers checking on licensing status or attending to foster youth needs when the location of the facility is outside the county. The proposed regulations do not address how these issues will be resolved.”

Response:

**The State may implement a statute by regulation in any manner deemed reasonable so long as it does not conflict with the statute. The regulatory scheme implements the statutes in a manner consistent with its intent. Responsibility and liability for out-of-county placements are addressed in current regulations. Nothing in these regulations overrides or negates those provisions, their protections and directives.**

Section 30-911.1(i)

Comment:

CAI commented that other than statements in Sections 30-911.1(i) and 30-920.1(f), basically repeating the statutory language ("participants will be allowed the greatest amount of freedom possible and appropriate for their level of functioning in order to prepare them for self -sufficiency") the proposed regulations do not appear to implement the law as stated in Health and Safety code Section 1559.110(f) and Welfare and Institutions Code Section 16522(e). It is important that DSS maintain a distinction between the youth in and out of foster care. It remains unclear how DSS will fulfill the statutory requirement for separate program rules and designs for these distinct sectors of the youth population.

Response:

**Thank you for your comments. Assurances that participants will be allowed the greatest amount of freedom possible and appropriate for their level of functioning in order to prepare them for self-sufficiency. Also see response to comment for Section 30-920.1(f).**

Section 30-911.1(k)

Comment:

NCYL submitted suggested language as follows:

“Assurances that the agency shall collaborate with counties, social workers/probation officers, ILP coordinators, Student Aid Commission, Employment Development Department (EDD) One-Stop Career Centers, local Workforce Investment Act (WIA) services and programs, and other agencies and programs to provide support and services to enable the participants to complete the goals outlined on the TILP;”

NCYL’s rationale for the change is that WIA funding and programs exist in every county of the state and include more than just the One Stop Centers. By specifying the broader array of WIA services, county case workers will more likely look to identify their local WIA programs and connect foster youth to them.

Response:

**The Department agrees and has included the suggested language.**

Section 30-911.1(l)

Comment:

NCYL provided the following amendment to this section:

Assurances that every participant is enrolled with an EDD federal ~~Job Training and Partnership Act (JTPA)~~ WIA/EDD Regional One-Stop Career Center.

NCYL indicated that JTPA no longer exists and was succeeded by WIA.

Response:

**The Department agrees and has included the suggested language.**

Section 30-911.1(q)

Comment:

CAI commented that “[n]ew section 30-911.1(q) should specify that THPP agency plan descriptions of policies regarding the 23 enumerated issues should also be in compliance with Welfare and Institutions Code section 16001.9 (personal rights of foster youth).”

Response:

**The Department agrees with the recommendation and is including the language of Welfare and Institutions Code Section 16001.9 as handbook in the regulations.**

#### Section 30-911.1(r)

##### Comment:

CAI commented that new Section 30-911.1(r) references a "budget form designed by the Department," but does not contain an information about what the form is or when the Department will be designing such a form. Some clarification should be provided.

##### Response:

**The Department is currently in the process of developing the budget form referred to in this section.**

#### Section 30-913.1

##### Comment:

NCYL provided the following suggested language:

“Transitional Housing Program-Plus tenants are young adults who are former foster/probation youth who have emancipated from a county that has elected to participate in THP-Plus. THP-Plus tenants shall be at least 18 years of age and not yet 21 years of age, and shall be pursuing county-approved goals utilizing the Department developed STEP/THP-Plus TILP. A county may also elect to include former foster/probation youth who reside in the county, but who emancipated from a different county.”

NCYL’s rationale is that “[c]ounties should at least have the option to include former foster youth residing in the county as eligible for their THP Plus Program. As it reads now, the provision could be interpreted to exclude such youth. Many foster youth have resided in a county for several years even though they emancipated from a different county. The option to stay in their county of residence should be available.”

##### Response:

**The Department agrees and has included the suggested language in the regulations.**

#### Section 30-915.13

##### Comment:

CAI commented that new Sections 30-915.13, 30-918.2, and 30-920.1(e) should require that the tenant's TILP be reviewed and updated at least every six months, instead of annually because youth may need more frequent updates. Too much can go wrong waiting a whole year to update a TILP.

Response:

**The Department agrees and has included language in the regulations to allow for updates as needed to reflect necessary changes.**

Section 30-917.1

Comment:

NCYL has no specific change for this provision, but we do not see any place in the regulations that identifies the entity responsible for informing the youth of his responsibilities. NCYL recommends a provision be added in an appropriate place that specifies who tells the youth about his responsibilities.

Response:

**Throughout the regulations, ILP Coordinators are identified as the individual who informs youth of their responsibilities.**

Section 30-918.11(d)

Comment:

See NCYL's identical comments at Section 30-911.1(k).

Response:

**See the Department's response at Section 30-911.1(k).**

Section 30-918.11(t)-(y) New

Comment:

NCYL provided suggested language for these sections as follows:

Proposed new sections 30-918.11(t) through (y):

- (t) Information and referral to appropriate legal aid offices, pro bono legal services, or other low-cost legal service programs, as needed,
- (u) Written information concerning the child's dependency case including:
- (v) information about the child's family history; the child's placement history,
- (w) The names, phone numbers and addresses of siblings and other relatives,

- (x) The procedures for inspecting the documents described under Welfare and Institutions Code Section 827, and
- (y) Information and assistance for completing applications to seal juvenile records pursuant to Welfare and Institutions Code Section 781, as needed.

NCYL provided the following rationale for proposing these new sections:

Youth may encounter legal problems related to employment, immigration, child support, or consumer matters and could benefit from knowing resources for legal advice. The other provisions added above come from Section 31-236 describing the TILP requirements. Many youth may not participate in the development of a TILP while being dependents and the provisions regarding their records, siblings and family history are still critical pieces of information that should be made available to them. Further, many former foster/probation youth may be eligible for having their juvenile records sealed after they turn 18 years old, but frequently do not know how to take care of this matter. These juvenile records can act as a barrier for former foster/probation youth seeking to turn their lives around and attain gainful employment.

Response:

**The Department agrees and has included the suggested language in the regulations.**

Section 30-918.2

Comment:

See NCYL's identical comment at Section 30-915.13.

Response:

**See the Department's response to CAI's comment at Section 30-915.13.**

Section 30-920

Comment:

CAI commented that new section 30-920, providing THP-PLUS certification standards, does not include any reference to the training requirements of employees of the agency. Employees who will be training tenants on independent living skills and other necessary issues must be adequately trained and capable of working with this population.

Response:

**The Department concurs and has added the following language to the regulations:**

**“(h) All agencies shall provide employees training and ensure that all agency employees are trained and capable of working with former foster youth.”**

Section 30-920.1(b)

Comment:

NCYL suggested that “national origin” be included in this section since most federal and state laws recognize the “national origin” category in their anti-discrimination provisions.

Response:

**The Department agrees and has included the suggested language in the regulations.**

Section 30-920.1(e)

Comment:

NCYL commented that it does not have a specific revision for this provision, but that they are concerned that the language could be more concrete by stating the social worker must meet with the youth and other relevant parties to develop the TILP. Requiring an actual meeting comes closer to establishing a tangible point in time when the TILP will actually be created.

Response:

**The Department is amending the language to state that the TILP will be developed in-person with the youth, the ILP Coordinator and/or other appropriate individuals during meetings to update the THP-PLUS TILP.**

Comment:

CAI commented that new Sections 30-915.13, 30-918.2, and 30-920.1(e) should require that the tenant's TILP be reviewed and updated at least every six months, instead of annually because youth may need more frequent updates. Too much can go wrong waiting a whole year to update a TILP.

Response:

**The Department agrees and is amending the language to allay any concerns in the regulations.**



#### Section 30-920.1(f)

##### Comment:

CAI commented that other than statements in sections 30-911.1(i) and 30-920.1(f), basically repeating the statutory language ("participants will be allowed the greatest amount of freedom possible and appropriate for their level of functioning in order to prepare them for self-sufficiency") the proposed regulations do not appear to implement the law as stated in Health and Safety code Section 1559.110(f) and Welfare and Institutions Code Section 16522(e). It is important that DSS maintain a distinction between the youth in and out of foster care. It remains unclear how DSS will fulfill the statutory requirement for separate program rules and designs for these distinct sectors of the youth population.

##### Response:

**Your comments are appreciated. Assurances that participants will be allowed the greatest amount of freedom possible and appropriate for their level of functioning in order to prepare them for self-sufficiency. Also, see response for Section 30-911.1(i).**

#### Section 30-920.1(q)

##### Comment:

CAI commented that, "...the agency should be required to ensure that its tenants are able to receive necessary medical services under [Section] 30-920.1(q)." [Medical services are described in Section 30-920.1(p).] "As written, the regulations provide no assurances that foster youth will be able to access necessary health services, including mental health services, which is a frequently reported problem."

##### Response:

**Your comments are appreciated. Counties and other agencies are required to ensure that the provision of mental health services in agreements or THP-Plus plans.**

#### Section 31-236(a)

##### Comment:

NCYL commented that it does not have a specific revision for this provision, but that they are concerned that the language could be more concrete by stating the social worker must meet with the youth and other relevant parties to develop the TILP. Requiring an actual meeting comes closer to establishing a tangible point in time when the TILP will actually be created.

Response:

**The Department has amended the language to state that the TILP will be developed in-person with the youth, the ILP Coordinator and/or other appropriate individuals during meetings to update the THP-PLUS TILP.**

Section 31-236(a)(5)

Comment:

NCYL commented that it has not specified a revision, but it has concerns about using the term a “departmentally-approved assessment tool” without attaching any kind of criteria to what should be in the assessment tool. NCYL recommends a change to this provision that attaches a standard such as a tool with standards similar to those used in nationally recognized tools or a tool with some other documented validation of its effectiveness.

Response:

**The Department has already identified assessment tools such as Daniel Memorial, the National Resource Center and the Community College Foundation assessments in handbook.**

Section 31-236(b)

Comment:

NCYL submitted suggested language as follows:

The social worker/probation officer shall update the TILP at least every six months or ~~when~~ more often if requested by the youth to reflect progress, changes in the youth’s level of functioning and modifications made to emancipation goals, programs and services identified in the TILP.

NCYL indicated that this provision as drafted could be interpreted to require a renewal of the TILP only when the youth requests one. The proposed change is intended to clarify that in no instance should a youth go more than six months without an update to the TILP.

Response:

**The Department agrees and has included NCYL’s suggested language.**

Section 31-236(d)

Comment:

NCYL submitted suggested language as follows:

If the youth refuses to cooperate with the social worker/probation officer in the development of the TILP, the social worker/probation officer shall complete the TILP, including the needs and services. This shall include documentation explaining the refusal and reasonable efforts made to obtain the youth's cooperation. In any instance where the youth refuses services, the social worker/probation officer shall again offer services to the youth at least once every six months.

NCYL indicated that as currently written, there is no clear indication that the worker is supposed to go back to a youth who has refused services. This responsibility is important and needs to be clear since youth frequently change their minds about ILP services.

Response:

**The Department agrees and has included NCYL's suggested language.**

Section 31-236(g)(2)

Comment:

CAI commented that Sections 31-236(g)(2) and 31-525.66 should be expanded to address what happens when the social worker/probation officer fails to ensure the provision of ILP services to youth who emancipate. It is not enough to require that it be done, DSS must address what happens to these youth once they emancipate without any skills. For instance, a reporting requirement to the county and/or DSS could be added to ensure that foster youth are provided these services through another post-emancipation program like THP-PLUS or THPP, and these youth should be given first priority to ensure that they receive some skills before leaving these programs. At the very least, these youth should be identified and tracked in the system so that outcomes can appropriately be measured.

Response:

**The Department is required to meet federal outcome measures currently under development, and in collaboration with counties, is reviewing how to develop and implement a tracking system that will identify emancipated youth and the methods to provide services post-emancipation.**

Section 31-236(g)(3)

Comment:

CAI commented that Section 31-236(g)(3) should be amended to clarify that a redetermination of deferment must be made by a medical professional every six months and documented by the social worker/probation officer in the TILP. Further, the social worker/ probation officer should be required to ensure this is done every six months. The same clarifications should be made to section 31-525.4.

Response:

**As a result of this comment, the Department has adopted the following language:**

**“(3) The social worker/probation officer of the county of jurisdiction shall defer ILP enrollment only if the youth is physically or mentally unable to benefit from the program or if the youth declines to participate. Physical or mental deferments shall be determined by the youth’s primary care physician or health/mental health care professional. A redetermination of deferment shall be made at least every six months and documented in the TILP.”**

Section 31-236(h)

Comment:

NCYL submitted the suggested language as follows:

“The social worker/probation officer shall assist the youth to complete the emancipation preparation goals described in the TILP by collaborating with public and private agencies/persons including but not limited to schools, colleges, the Department of Education, Mental Health, ILP coordinators, care providers, the Student Aid Commission, Workforce Investment Act programs and services, the Employment Development Department and One-Stop Career Centers.”

NCYL’s rationale for the change is that WIA funding and programs exist in every county of the state and include more than just the One Stop Centers. By specifying the broader array of WIA services, county case workers will more likely look to identify their local WIA programs and connect foster youth to them.

Response:

**The Department agrees and has included the suggested amendment in the regulations.**

Section 31-236(i)

Comment:

NCYL submitted the amended language as follows:

“A proof of citizenship or residency status (for undocumented aliens, preparation and/or receipt of a completed application for Special Immigrant Juvenile Status (SIJ) pursuant to 8 C.F.R. Section 204.11 or other naturalization process);”

NCYL’s rationale is that many immigrant youth may enter ILP services without an SIJ application. Including the term preparation here will alert the caseworker that if there is not an application already on file that he or she needs to assist the youth in preparing an SIJ application.

Response:

**The Department recognizes the necessity of expeditious identification of and providing assistance to immigrant youth in the preparation of the SIJ application. The suggested language is included in the regulations.**

Section 31-236(i)(4)

Comment:

NCYL submitted new suggested language for Section 31-236(i)(4)(P)

“(P) Information and assistance for completing applications to seal juvenile records pursuant to Welfare & Institutions Code Section 781, as needed.”

NCYL’s rationale proposes that many former foster/probation youth may be eligible for having their juvenile records sealed after they turn 18 years old, but frequently do not know how to take care of this matter. These juvenile records can act as a barrier for former foster/probation youth seeking to turn their lives around and attain gainful employment.

Response:

**The Department agrees and is including the suggested language in the regulations.**

Section 31-236(i)(4)(D)

Comment:

NCYL submitted amended language for this section as follows:

“A proof of citizenship or residency status (for undocumented aliens, preparation and/or receipt of a completed application for Special Immigrant Juvenile Status (SIJ) pursuant to 8 C.F.R. Section 204.11 or other naturalization process);”

NCYL’s rationale proposes that many immigrant youth may enter ILP services without an SIJ application. Including the term preparation here will alert the caseworker that if there is not an application already on file that he or she needs to assist the youth in preparing an SIJ application.

Response:

**The Department agrees and is including the suggested language in the regulations.**

Section 31-236(i)(8)

Comment:

NCYL submitted amended language for this section as follows:

“Gainful employment through the provision of information about and participation in employment and training services provided through Workforce Investment Act programs and services and Employment Development Department (EDD) One-Stop Career Centers, and registered at an EDD One-Stop Career Center, including but not limited to: career exploration, work readiness skills, vocational training, employment experience, job placement and retention.”

NCYL’s rationale for the change is that WIA funding and programs exist in every county of the state and include more than just the One Stop Centers. By specifying the broader array of WIA services, county case workers will more likely look to identify their local WIA programs and connect foster youth to them.

Response:

**The Department agrees and is including the suggested language in the regulations.**

Section 31-525.4

Comment:

Support Parents And Children (SPAC) agreed with, and deferred comments on this section to those comments by the NCYL below.

Response:

**See the response to NCYL’s comment below.**

Comment:

NCYL commented that “ILP participation is deferred only if the youth is physically or mentally unable to benefit from the ILP as determined by the youth’s primary care physician or health/mental health care professional or if the youth declines to participate in the ILP. If ILP participation is deferred, the social worker/probation officer on behalf of youth in foster care or the ILP coordinator on behalf of KinGap youth and other eligible youth shall document, in the TILP, the reasons for the deferment. A redetermination of deferment shall be made at least every six months and documented in the TILP.”

“NCYL does not have a specific change to propose for this provision, but NCYL is concerned that this provision may violate state and federal disability laws. As currently drafted, there is no provision that defines how the county made any attempt to provide reasonable accommodations for physically and mentally disabled youth. Simply having the doctor or therapist documenting that the youth would not benefit does not meet federal or state disability law standards. The agency should redraft this provision to account for disability standards.”

Response:

**The regulations do not conflict with existing state and federal laws affording protection to disabled persons, therefore, there is no violation and no amendments to the regulations will be made.**

Comment:

CAI commented that Sections 31-525.4 and Section 31-236(g)(3) should be amended to clarify that a redetermination of deferment must be made by a medical professional every six months and documented by the social worker/probation officer in the TILP. Further, the social worker/ probation officer should be required to ensure this is done every six months

Response:

**As stated above, the regulations do not conflict with existing state and federal laws affording protection to disabled persons, therefore, no amendments to the regulations will be made.**

Section 31-525.65

Comment:

NCYL commented that this section should be amended to add that county social workers/probation officers shall: Collaborate with the youth, ILP Coordinators, care

providers, and other service providers to ensure the development and implementation of TILP goals, services and activities, including addressing transportation needs. And that as part of this collaboration, it include providers and care providers in meetings with the youth to develop or update the TILP, as needed.

Response:

**The Department has amended this section to include the recommended language to the regulations.**

Section 31-525.66

Comment:

CAI commented that Sections 31-525.66 and 31-236(g)(2) should be expanded to address what happens when the social worker/probation officer fails to ensure the provision of ILP services to youth who emancipate. It is not enough to require that it be done, DSS must address what happens to these youth once they emancipate without any skills. For instance, a reporting requirement to the county and/or DSS could be added to ensure that foster youth are provided these services through another post-emancipation program like THP-PLUS or THPP, and these youth should be given first priority to ensure that they receive some skills before leaving these programs. At the very least, these youth should be identified and tracked in the system so that outcomes can appropriately be measured.

Response:

**With the implementation of the regulations, counties are required to ensure the provision of ILP services to youth. Previous sections that addressed identification of eligible youth as well as sections addressing the matter of updating a youth's TILP once every six months provide additional measures to identify the needs of youth prior to emancipation.**

Sections 31-525.78 (New)

Comment:

NCYL proposed new language as follows:

- .78 Ensure that county social workers/probation officers receive training regarding resources, referrals, and other pertinent information related to supportive services for youth, including, but not limited to resources for Special Immigrant Juvenile Status applications, financial aid, child care resources, transportation, housing, community college programs, Workforce Investment Act programs and services and Employment Development Department One-Stop Career Centers.



NCYL provided rationale that workers with knowledge about good services is critical and should be the responsibility of the ILP Coordinator to provide the training necessary for the social workers and probation officers.

Response:

**Your comments are appreciated. It is the county's responsibility to ensure the above training needs are met for all staff who work with foster youth, this includes ILP Coordinators.**

Section 31-525.8

Comment:

CAI commented that Section 31-525.8 is unclear as to who is required to ensure that core services are provided in accordance with TILP goals. Previous Sections 31-525.6 and 7 are specific as to who is required to provide certain services, however, this last section does not make any such identification.

Response:

**The Department is willing to adopt language similar to the language in Sections 31-525.6 and 7.**

d) Local Mandate Statement

These regulations do impose a mandate on local agencies but not on school districts. There are no state mandated costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because these regulations merely amend existing Divisions 11, 30, and 31 regulations and adopt regulations that clarify policy issues for currently funded programs.

e) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

f) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

g) 15-Day Renotice Statement

A 15-day renotice was sent to the December 17, 2003, public hearing testifiers and interested individuals pursuant to the requirements of Government Code Section 11346.8(c). As a result of public testimony received and at the Department's discretion, changes have been made to the regulations. A 15-day renotice was held commencing on October 2, 2004 and concluding on October 18, 2004. No testimony was received and no further changes made to the regulations.